

REMARKS

Claims 19-32, 38-45, and 48 are currently pending in the application. Claims 19, 21, 38, and 39 have been canceled. New independent claims 49 and 50 have been added. Claims 20, 22-24, 26, 28-30, 40-42, 44-45, and 48 have been amended to correct their dependency for new claims 49-50.

Applicants believe the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Applicants' Representative thanks the Examiner for the courtesy of an interview on November 2, 2009, where proposed claims 49 and 50 were discussed in light of the prior art of record. No agreement was reached on patentability.

Applicants thank the Examiner for the notice of the non-complying Information Disclosure Statement (IDS). A corrected Information Disclosure Statement is submitted with this Response.

Regarding the objection to the drawings, Applicants request that the Examiner hold the drawing objection in abeyance until allowable subject matter is indicated. At such time, Applicants will submit corrected drawings.

Regarding the objection to the Abstract, a new Abstract is provided with the reference numerals removed.

Regarding the objections to claims 19 and 40, claim 19 is canceled from the application, obviating the basis for the objection, and claim 40 was amended to address the basis for the objection.

Regarding the rejection of claims 19 and 38 as being non-enabled under 35 USC 112, the rejection is respectfully traversed. Claim 19 is canceled from the application, obviating the basis for the rejection, and claim 38 is fully enabled in the application. Claim 38, which

forms part of the disclosure, provides enabling support for itself. Moreover, the written description expressly provides for several U-shaped modules in paragraph [0037] of the corresponding published application US2007/0216270:

A refrigerator has so far been described formed from a single U-shaped module 16 mounted on a base 2 (via an interposed bottom panel 41) and closed upperly by a top 40, as shown in Figure 1, however the modular refrigerator of the invention can be formed from several superposed U-shaped modules 16 joined together at flat joining and stiffening panels similar to the bottom panel 41, i.e. provided with the same counter-guides 6b described with reference to the bottom panel 41 and to the top 40. In this manner, each U-shaped module 16 can be rapidly mounted on the underlying module by using the flat joining and stiffening panels.

Therefore, it is respectfully submitted that claim 38 is fully enabled. That said, the rejection of claim 38 is moot in light of the cancellation of claim 38.

Regarding the rejection of claims 19 and 48 as being indefinite under 35 USC 112, the rejection is respectfully traversed. Claim 19 is canceled from the application, obviating the basis for the rejection. Claim 48 has been amended to clarify that the closure wall referred to is the intermediate closure wall, obviating the basis for the rejection.

Claims 19, 24, and 25 stand rejected as being anticipated under 35 USC 102(b) by Haag. The rejection is respectfully traversed. As claim 19 is replaced by new claim 49, the rejection will be addressed with respect to claim 49. Claim 49 expressly calls for the reversible connector comprising a first profile bar and a second profile bar, with one of the first profile bar and second profile bar having a profiled guide and the other of the first profile bar and second profile bar having a counter-guide slidably receiving the profiled guide, wherein the first profile bar is mounted to the U-shaped portion, the second profile bar is mounted to one of the top closure and bottom closure, and the one of the top closure and bottom closure is mounted to the U-shaped portion by the profiled guide being slidably received within the counter-guide.

Haag does not disclose the claimed first and second profile bars; nor does Haag disclose any structure performing the same function. As such, Haag cannot anticipate claim 49. Haag merely discloses insulation panels that are received within a standard cabinet structure. The asserted U-shape modules of Haag are insulation panels connected by material webs. Adjacent U-shaped panels of Haag are not connected in any way, let alone by the claimed first and second profile bars.

Therefore, claim 49 is not anticipated by Haag. Claims 24 and 25 depend from claim 49 and are not anticipated for at least the same reasons as claim 49.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer (US 6657861); claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of Laraia, Jr. (US 6047647); claims 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of R.E. Elvers (US2514631) and H.E. Smith (US 3038769); claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of Wolf et al. (US 6485122); and claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of Gidseg et al. (US 4774740).

These various obviousness rejections are traversed as being moot. All of these claims depend directly or indirectly from claim 19, which was not rejected as being obvious over any prior art, but only rejected as being anticipated by Haag. As claim 49 replaces claim 19 and overcomes the anticipation rejection, claim 49 is allowable and claims 20, 21-23, 26, 27, 28, 29, and 30-32 now depend from an allowable independent claim, rendering them allowable for depending from an allowable base claim, and rendering the obviousness rejections moot.

As the rejections are now moot, no further comment is provided in order to simplify the prosecution. However, Applicants do reserve the right to provide arguments against the obviousness assertions, the various combinations, and the analogous nature of the prior art if the Examiner subsequently raises the same rejections. Applicants have not acquiesced on these issues by simplifying the prosecution.

Claims 38 and 48, as best understood, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Haag in view of Schellenberg (US 2005/0077806); claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg, and in further view of Laraia, Jr. (US 6047647); claims 42,43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg, and in further view of R.E. Elvers and H.E. Smith; and claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg, and in further view of Wolf et al. (US 6485122).

These various obviousness rejections are respectfully traversed.

Independent claim 38 is replaced with new claim 50 in the current amendment. As claim 38 is canceled, the rejection is moot, as well as the rejection of all of the other claims in these various obviousness rejections because all of the claims depended directly or indirectly from claim 38.

However, as claim 50 replaced claim 38, the rejection of claim 38 over Haag and Schellenberg will be addressed with respect to claim 50.

Claim 50 is similar to claim 49 in that claim 50 also calls for a reversible connector comprising a first profile bar and a second profile bar, with one of the first profile bar and second profile bar having a profiled guide and the other of the first profile bar and second profile bar having a counter-guide slidably receiving the profiled guide; wherein the first profile bar is mounted to one of the U-shaped modules, the second profile bar is mounted to the other of the U-shaped modules and the two U-shaped modules are mounted to each other by the profiled guide being slidably received within the counter-guide.

As described above in the anticipation rejection of claim 49 over Haag, Haag does not disclose the claimed first and second profile bars; nor does Haag disclose any structure that performs the same function. Schellenberg similarly does not disclose first and second profile bars that are slidably interconnected as claimed; nor does Schellenberg disclose a structure performing the same slidably connecting function. Therefore, regardless of how one might combine Haag and Schellenberg, the resulting combination would fail to disclose both the first and second profile bars. As such, the combination would fail to reach all of the elements of claim 50, rendering claim 50 patentable over the combination.

As claims 39-45 all depend directly or indirectly from claim 50 and claim 50 is allowed for the stated reasons, claims 39-45 are likewise allowable because of their dependency from an allowable base claim, rendering the rejections of claims 39-45 moot.

As the rejections of claims 39-45 are now moot, no further comment is provided in order to simplify the prosecution. However, Applicants do reserve the right to provide arguments against the obviousness assertions, the various combinations, and the analogous nature of the prior art if the Examiner subsequently raises the same rejections. Applicants have not acquiesced on these issues by simplifying the prosecution.

It is respectfully submitted that all claims currently found in the application are allowable over the prior art of record. Early notification of allowability is respectfully requested.

Respectfully submitted,

FEDERICO BETTO ET AL.

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By: /Mark A. Davis/
Mark A. Davis, Reg. No. 37,118
MCGARRY BAIR PC
32 Market Avenue, S.W., Suite 500
Grand Rapids, Michigan 49503
616-742-3500